

PROB 12C
(7/93)

Report Date: November 26, 2012

United States District Court

for the

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Francisco Samaniego

Case Number: 2:09CR02068-001

Address of Offender: 713 South 11th Street, Sunnyside, WA 98944

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, U.S. District Judge

Date of Original Sentence: 3/3/2010

Original Offense: Possession of a Firearm and Ammunition by a Prohibited Person,
18 U.S.C. § 922(g)(1)Original Sentence: Prison - 24 Months
TSR - 36 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: James Goeke

Date Supervision Commenced: 8/24/2012

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: 11/23/2014

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
NOV 27 2012
DEPUTY
CLERK

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violation previously reported to the Court on November 2, 2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

2

Standard Condition # 2: The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first 5 days of each month.

Supporting Evidence: Mr. Samaniego failed to submit his monthly report form within the first 5 days for the month of November 2012.

On November 14, 2012, a late report letter was mailed to Mr. Samaniego reminding him that he had yet to submit his monthly report form. On this same date, this officer spoke with Mr. Samaniego and he agreed to report to the probation office and submit his report on Friday, November 16, 2012. On November 16, 2012, Mr. Samaniego left a voice mail message stating he did not have a ride to come to Yakima, but would be in on Monday, November 19, 2012. On November 19, 2012, the defendant failed to report. As of November 26, 2012, Mr. Samaniego failed to submit his monthly report form.

Prob12C

Re: Samaniego, Francisco

November 26, 2012

Page 2

3

Special Condition # 17: You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Samaniego was terminated from drug and alcohol treatment at Merit Resource Services (Merit) on November 21, 2012.

On November 26, 2012, this officer spoke with Mr. Samaniego's counselor from Merit, who reported Mr. Samaniego was unsuccessfully discharged from drug and alcohol treatment at Merit, due to failure to comply with his treatment program, and for program rule violations on November 21, 2012.

According to Mr. Samaniego's counselor, at the start of the group session on November 20, 2012, the defendant came in wearing a blue sweatshirt, which was previously discussed as being inappropriate, due to the sweatshirt being a gang related color. The counselor stated this issue was previously discussed with Mr. Samaniego, and he agreed not to wear the sweatshirt while participating in group. As the defendant lives only a few blocks from Merit, Mr. Samaniego was asked to take the sweatshirt home and return to group. Approximately 45 minutes later, the defendant returned to group, and was not allowed back into the group. Mr. Samaniego was directed to return to Merit on November 21, 2012, for a staffing appointment, to discuss his failure to comply with treatment program rules.

On November 21, 2012, Mr. Samaniego attended the staffing session and was advised he was being terminated from the program for continued rule violations. Mr. Samaniego's counselor reported due to the defendant not being engaged in outpatient treatment, his file was closed. The counselor also expressed concerns that the defendant provided a forged AA meeting attendance slip. The counselor advised in the defendant's discharge summary she is recommending the defendant participate in long term inpatient treatment at a facility that includes a behavior modification program.

Prob12C

Re: Samaniego, Francisco

November 26, 2012

Page 3

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: November 26, 2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

11/27/12

Date